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July 7, 2015

VIA CM/ECF

Hon. Stephen L. Crocker
U.S. Magistrate Judge
United States District Court
Western District of Wisconsin
120 N. Henry Street
Madison, WI 53703

Hon. Barbara B. Crabb
U.S. District Judge
United States District Court
Western District of Wisconsin
120 N. Henry Street
Madison, WI 53703

**Re: Outstanding Discovery Issues
Suoja v. Owens-Illinois, Inc.
Case No. 3:99-cv-00475-bbc**

Dear Judges Crabb and Crocker:

I write to update the Court on the parties' outstanding discovery issues.

The parties currently have until July 10, 2015, to conduct discovery and file dispositive motions on issues related to (1) the effect of previous state court litigation on this case, and (2) the settlement in December 2014. Order at 3, ECF No. 77. The parties have conducted discovery, but it has been significantly limited pending the Court's decision on Plaintiff's Motion for Protective Order and Leave to File Documents for *In Camera* Review (ECF No. 84) and Owens-Illinois's Motion to Compel Plaintiff (ECF No. 85).

As those motions reveal, Owens-Illinois served written discovery to Plaintiff, and Plaintiff has provided only limited responses coupled with objections and assertions of privilege. Since then, Plaintiff produced *one* heavily redacted email related to the settlement. The email contains information that is highly relevant, contrary to the Plaintiff's motion, and was sent to one of the lineal heirs, Susan Merwin. The redacted information also appears to relate to the settlement. *See* Email from Gary Suoja, attached as Ex. A.

Kimberly Suoja, another lineal heir, was deposed by subpoena on June 22, 2015. Ms. Suoja produced no responsive documents at the deposition, and Plaintiff's counsel instructed Ms. Suoja repeatedly not to answer questions related to the discovery issues. Due to his limited availability, Gary Suoja was not deposed until June 26, 2015.¹ At the deposition,

¹ Attached as Exhibit B is the parties' correspondence related to the scheduling difficulties.



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Plaintiff's counsel produced the one email (as noted above) and instructed Mr. Suoja repeatedly not to answer questions related to the discovery issues. Owens-Illinois will file, when received, the deposition transcripts.

Given the ongoing discovery dispute, the parties continued the subpoena to Susan Merwin and no additional depositions are scheduled pending the Court's decision.

Respectfully,

/s/ Brian O. Watson
Brian O. Watson
Attorney for Owens-Illinois, Inc.

cc: Robert McCoy
Attorney for Plaintiff
(via CM/ECF)

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